

**FILED**

**JUN 19 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

WAYNE R. REINER,

Plaintiff - Appellant,

v.

CITY OF LOS ANGELES; et al.,

Defendants - Appellees.

No. 01-56713

D.C. No. CV-98-03694-GHK

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Central District of California  
George H. King, District Judge, Presiding

Submitted June 12, 2006 <sup>\*\*</sup>

Before: WALLACE, KLEINFELD, and BERZON, Circuit Judges.

Wayne R. Reiner appeals pro se from the district court's order denying his motion for relief from judgment following the dismissal of his civil rights action for failure to effect service. We have jurisdiction under 28 U.S.C. § 1291. We

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

review for abuse of discretion, *United States v. Alpine Land & Reservoir Co.*, 984 F.2d 1047, 1049 (9th Cir. 1993), and we affirm.

The district court properly concluded that Reiner could not seek relief from judgment for “excusable neglect” because his motion was not filed within a year of the 1999 judgment of dismissal. *See* Fed. R. Civ. P. 60(b)(1). The district court did not abuse its discretion in finding that Reiner failed to demonstrate “extraordinary circumstances” warranting relief from judgment. *See* Fed. R. Civ. P. 60(b)(6); *Alpine Land & Reservoir Co.*, 984 F.2d at 1049-50 (noting that Rule 60(b)(6), relief for extraordinary circumstances, is not a substitute for 60(b)(1), relief for mistake, inadvertence, surprise, or excusable neglect).

**AFFIRMED.**